

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	19CR386(PKC)
Plaintiff,	:	
-against-	:	United States Courthouse
MUSTAFA GOKLU,	:	Brooklyn, New York
Defendant.	:	Thursday, January 6, 2022
	:	10:30 a.m.
	:	

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TRANSCRIPT OF TELEPHONIC CRIMINAL CAUSE FOR STATUS CONFERENCE  
BEFORE THE HONORABLE PAMELA K. CHEN  
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

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*Proceedings recorded by mechanical stenography, transcript  
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1 (Via teleconference.)

2 (The Hon. PAMELA K. CHEN, presiding.)

3 (Defendant present via teleconference.)

4 THE COURTROOM DEPUTY: Criminal cause for a status  
5 conference, *United States versus Goklu*, Docket number  
6 19-CR-386.

7 Before asking the parties to state their  
8 appearances, I would like to note the following: Persons  
9 granted remote access to proceedings are reminded of the  
10 general prohibition against photographing, recording and  
11 rebroadcasting of court proceedings. Violation of these  
12 prohibitions may result in sanctions including removal of  
13 court-issued media credentials, restricted entry to future  
14 hearings, denial of entry to future hearings, or any other  
15 sanctions deemed necessary by the Court.

16 Will the parties please state their appearances  
17 starting with the Government.

18 MS. KASSNER: Gillian Kassner and Francisco Navarro  
19 for the Government.

20 MR. SINGER: Murray Singer joined by Emelee Sahri  
21 for the defendant.

22 THE COURT: Why don't we have our interpreter sworn  
23 in.

24 THE COURTROOM DEPUTY: Madam interpreter, please  
25 raise your right hand.

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1 (Interpreter sworn.)

2 THE COURTROOM DEPUTY: State and spell your name for  
3 the record.

4 THE INTERPRETER: Mayda Lyon, M-A-Y-D-A L-Y-O-N,  
5 language is Turkish.

6 THE COURT: Good morning, Ms. Lyon.

7 THE INTERPRETER: Good morning.

8 THE COURT: You raised a legitimate point perhaps we  
9 should swear you in before we do the preliminaries. Perhaps  
10 we will do that in the future. You don't need to interpret  
11 that part.

12 Let me confirm, Mr. Goklu, that you are on the line  
13 and you can understand what's being said through the  
14 interpreter?

15 THE DEFENDANT: I am on the line and I do understand  
16 whatever the interpreter state for me in English.

17 THE COURT: Do you need the interpretation  
18 continuously or could she be on standby?

19 THE DEFENDANT: She could be on standby.

20 THE COURT: Mr. Singer, did you want to say  
21 something?

22 MR. SINGER: I was going to raise that point that  
23 Mr. Goklu was looking to have the interpreter on standby.

24 THE COURT: Ms. Lyon, you don't need to interpret  
25 everything. You can be on standby.

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1           We're meeting today to confirm the new trial date  
2           which is February 28, 2022.

3           I understand from the Government that that works for  
4           the Government. Is that correct, Ms. Kassner?

5           MS. KASSNER: That's correct.

6           THE COURT: And also for you, Mr. Singer?

7           MR. SINGER: It's just -- it does, Judge, with a  
8           caveat. I had reached out to Mr. Navarro in early November  
9           with regard to discovery, the results of some search warrants,  
10          and I have not yesterday received those. I have spoken to  
11          Ms. Kassner about it. I understand that she is working on  
12          getting me those materials and that she hopes to have them to  
13          me by the end of this week. And, so, assuming that it's not  
14          so voluminous that I can't get through it in time to prepare,  
15          I am ready to go on February 28th, but I obviously can't know  
16          that until I have gotten all of the material. We are anxious  
17          to move this case forward and getting it tried and I will do  
18          everything in my power to be ready on February 28th.

19          THE COURT: Let me ask the Government because  
20          obviously this is an older case indicted in 2019. I'm curious  
21          why some of this discovery is just being produced now.

22          MS. KASSNER: This discovery is largely electronics  
23          that were received pursuant to the search warrant of the  
24          defendant's house and car. It just took quite a bit of time  
25          given that there are quite a few electronics. I can't tell

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1 you how many, but it's somewhere around half a dozen to a  
2 dozen hard drives and such. So the way the DEA processes  
3 these things, it takes a matter of months, even years,  
4 depending on what's going on in their office to do all of the  
5 scans and to process everything.

6           So we are going to turn over the scans of all of the  
7 electronics, but I am confirming that we really do have all of  
8 that and as soon as hopefully by tomorrow -- we don't expect  
9 these electronics -- for the most part I don't think they're  
10 going to be an issue at trial. We're working to confirm that  
11 and to speed things along.

12           We would be happy to point to anything within the  
13 devices that we plan to use so that defense counsel isn't  
14 needlessly going through quite a few documents. And, of  
15 course, they are physically available to defense counsel at  
16 any time for inspection at his convenience.

17           THE COURT: Well, you anticipated what I was going  
18 to ask, which is that the Government should identify any  
19 evidence from those searches that they think and I would urge  
20 you to -- that you may seek to introduce at trial and bear in  
21 mind that it's possible that depending on what Mr. Singer says  
22 after seeing the volume of evidence that I might preclude the  
23 Government from using any of it just because of the late  
24 disclosure, but it would expedite the process if the  
25 Government identifies those items it anticipates possibly

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1 coming into evidence or being offered for admission.

2 Even though that helps Mr. Singer decide what the  
3 Government may be using so he can focus his attention, he may  
4 still want to go through all of it so he can decide if there's  
5 something that may be necessary to also introduce for  
6 completeness sake or it may in some way mitigate the value of  
7 whatever the Government seeks to admit or that he may want to  
8 use in his defense.

9 So I just want everyone to be mindful that we may  
10 have to address this issue again after the discovery is turned  
11 over and that there are various possibilities for how this  
12 might be handled.

13 Any questions about that from the Government?

14 MS. KASSNER: No, Your Honor, that's understood.

15 THE COURT: And Mr. Singer?

16 MR. SINGER: Understood, Your Honor and if any  
17 issues come up, I will certainly alert the Court and the  
18 Government.

19 THE COURT: Thank you. So, working backwards from  
20 the date of February 28, and we will confirm the length of the  
21 trial in a moment, as well as I should confirm now that we had  
22 previously decided on two alternates. I assume that has not  
23 changed for the Government or the defense.

24 Ms. Kassner?

25 MS. KASSNER: I believe that's fine, Your Honor.

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1 THE COURT: And Mr. Singer?

2 MR. SINGER: That should be fine.

3 THE COURT: Previously I had directed the Government  
4 to provide 3500 and copies of marked exhibits three weeks in  
5 advance. So that should be the last day, I think, of  
6 November -- I'm sorry, I said November. January.

7 Fida, do you have those dates?

8 THE COURTROOM DEPUTY: I'm checking that now, Judge.

9 THE COURT: And two weeks before trial for the  
10 proposed jury charges and voir dire and then a list of names  
11 and terms for the court reporters.

12 THE COURTROOM DEPUTY: Three weeks from the 28th of  
13 February is the 7th of February and two weeks from the 28th is  
14 the 14th.

15 THE COURT: I was staring at a list of prior dates,  
16 so I had it wrong. That's right.

17 Then we'll have a final pretrial conference, let's  
18 say, the Wednesday before.

19 Fida, can we do that?

20 THE COURTROOM DEPUTY: February 23rd at 10 a.m.

21 THE COURT: And then the only thing I noticed is  
22 that I hadn't set a date for motions in limine so I don't  
23 remember if we had a conversation about that or we just  
24 overlooked it.

25 Does the Government have any -- I think we should

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1 set one unless the parties disagree. So perhaps two weeks  
2 before trial we should also have you submit your motions in  
3 limine. I think that will work because by then the defense  
4 would have had the exhibits and 3500 for a week. Let's make  
5 that also the 14th of February for any motions in limine for  
6 either side and then a week for response. So that would be  
7 the 21st of February.

8 Any objection to that, Ms. Kassner?

9 MS. KASSNER: No, Your Honor.

10 THE COURT: And Mr. Singer?

11 MR. SINGER: No, no objection, Judge. That's fine.

12 THE COURT: Okay. Though we had agreed on five days  
13 as an estimate for trial, you may want to clear out your  
14 schedule for a couple of days of the following week because of  
15 the uncertainty of jury selection because we will still be  
16 under, I assume, pandemic conditions with our more limited  
17 ability to pick a jury. It has been going slightly faster of  
18 late. Some juries have been picked in a day, but I will  
19 anticipate that we will need two days potentially and we may  
20 have some issues -- hopefully we won't have issues with  
21 translation, that won't slow things down, but maybe build in a  
22 couple of more days in the following week.

23 Is there anything else we need to discuss from the  
24 Government at this time?

25 MS. KASSNER: Your Honor, this is probably



1 premature, but I will note that courtroom 6-A I believe will  
2 be available but I will double check. I'm not sure if by the  
3 28th there's going to be electronics in your courtroom  
4 available to jurors, but I'm flagging that as something we can  
5 work out closer to trial.

6 THE COURT: In fact, they are outfitting what is  
7 normally my courtroom this week. And, Mr. Singer, what the  
8 government is referring to is there will be two courtrooms  
9 that have individual video monitors for the jury to use during  
10 the trial because, as you may or may not know, we have been  
11 putting the jury in whole or in part in the audience area so  
12 that we can be socially distanced and not in the jury box.

13 And so what that means is sometimes the jurors only  
14 have or can only view evidence because it's only being  
15 produced electronically on two video monitors that are larger,  
16 but not huge -- in front of the audience area and the large  
17 screen that comes down from the ceiling.

18 When you have a document-heavy case as this may well  
19 be it would be helpful for the jury to have individual  
20 monitors. That's part of the reason the U.S. Attorney's  
21 Office is about to complete outfitting courtrooms 6-A and 4-F,  
22 which is mine being the other, for use in cases like this  
23 which are document-heavy.

24 It should be done by then, Ms. Kassner, so hopefully  
25 and we will put in a request again one of the courtrooms that

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1 has will the full video monitors, the full complement of video  
2 monitors, okay?

3 MR. SINGER: Understood, Judge. Thank you.

4 THE COURT: I will exclude the time between now and  
5 February 28th as being in the interest of justice because we  
6 couldn't go forward with trial due to the congestion of trials  
7 in general caused by the pandemic and so obviously it's in the  
8 interest of justice to adjourn until we can get a trial date  
9 and that we can conduct a trial safely consistent with both  
10 parties' schedules and the Court's schedule. All right.

11 Mr. Singer, is there anything else we need to  
12 address from the defense now?

13 MR. SINGER: Not at this point, Judge. And I know  
14 that the Court is optimistic that everything will move  
15 smoothly. I assume that if circumstances change and the  
16 higher-ups bump trials around we will be notified as soon as  
17 possible.

18 THE COURT: You will indeed. There is some  
19 possibility of that only because Mr. Goklu is not in custody  
20 and as you may or may not know there is a prioritization of  
21 trials involving in-custody defendants for the obvious reason  
22 that they are in prison. So --

23 MR. SINGER: And I know there's a lot of pressure  
24 and movement from districts around the country that are  
25 delaying trials and at least during the month of January. So

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1 I am aware of that and you will let us know if the powers that  
2 be bump us?

3 THE COURT: Yes, you will be alerted so people don't  
4 waste time preparing for trials that have to be adjourned.  
5 I'm very sensitive to that. Please stay safe, everyone. Let  
6 me know if there are any issues relating to the discovery  
7 that's about to be produced and then otherwise I will hear  
8 from you and hopefully get this case tried in February. Thank  
9 you everyone.

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11 (Matter adjourned.)

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